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**Supreme Court of the United States**

October Term, 1953

No. \_\_\_\_\_, Original

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,**  
*Complainant,*

**v.**

**STATE OF LOUISIANA; STATE OF FLORIDA; STATE OF TEXAS;  
STATE OF CALIFORNIA; GEORGE M. HUMPHREY; DOUGLAS  
McKAY; ROBERT B. ANDERSON; IVY BAKER PRIEST,**  
*Defendants.*

**BRIEF OF THE STATE OF WEST VIRGINIA  
AS AMICUS CURIAE IN SUPPORT OF  
PETITION FOR REHEARING**

**JOHN GEORGE FOX**  
*Attorney General of  
West Virginia*

**FRED M. VINSON, JR.**  
*Counsel for West Virginia  
Amicus Curiae*

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## **BRIEF OF THE STATE OF WEST VIRGINIA AS AMICUS CURIAE IN SUPPORT OF PETITION FOR REHEARING**

The State of West Virginia, by its Attorney General, files this brief as *amicus curiae*, pursuant to Rule 27(9)(d) of the Revised Rules of this Court, in support of the petition for rehearing filed by the State of Rhode Island, complainant in the above-entitled proceeding.

The State of West Virginia most respectfully urges this Honorable Court to grant the said petition for rehearing in order that there may be a full hearing and consideration of the vital issues raised on the merits of the complaints sought to be filed by the State of Rhode Island, and by the State of Alabama in the companion proceeding.

We feel that a rehearing is necessary and desirable for the following reasons:

1. Both the complainant state and the defendants addressed themselves primarily to the jurisdictional aspects of the questions presented in the proceeding. Therefore, the interests of justice and of the nation suggest that the parties hereto be given an opportunity to present to the Court their respective arguments on the merits, before the instant proceeding is finally disposed of other than on jurisdictional grounds and before the submerged lands are irrevocably lost to the nation and its citizens.

2. The cogent arguments advanced in complainant's petition for rehearing deserve full development by counsel, and the attention of this Court.

3. In addition thereto, we feel that Public Law 31, 83rd Cong., 1st Sess., c. 65 raises vital questions incident to the external sovereignty of the United States, and basically alters the relationship between the states and the nation within the constitutional framework of our federal system.

4. The issues raised by the complaint sought to be filed are so important to the citizens and to the State of West Virginia that the State of West Virginia desires, if the petition for rehearing is granted, to move to intervene in the proceeding or, in the alternative, to file a comprehensive brief as *amicus curiae*.

The foregoing factors impel the State of West Virginia to urge that the petition for rehearing be granted in order to accord full consideration to the important statutory questions and constitutional principles presented.

Respectfully submitted,

JOHN GEORGE FOX  
Attorney General of  
West Virginia

FRED M. VINSON, JR.  
Counsel for West Virginia  
*Amicus Curiae*